

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

CHRISTINE BRYANT on behalf of herself)	
and all other persons similarly situated, known)	
and unknown,)	
)	
Plaintiff,)	Case No. 1:19-cv-06622
)	
v.)	Honorable Virginia M. Kendall
)	
COMPASS GROUP USA, INC. and 365)	
RETAIL MARKETS, LLC)	
)	
Defendants.)	

**JOINT MOTION FOR EXTENSION OF DEADLINE TO FILE MOTION FOR
PRELIMINARY APPROVAL AND TO RESET STATUS HEARING**

For the reasons below, the parties request that the Court grant a 30-day extension, until August 23, 2021, to file a motion for preliminary approval of the parties' class action settlement and to reset the July 29th status hearing to a date after August 23rd.

1. This case is a proposed class action for alleged violations of the Biometric Information Privacy Act.

2. On May 26, 2021, the parties filed a Joint Notice of Settlement. Dkt. No. 61.

3. On June 2, 2021, the Court set July 23, 2021 as the deadline for Plaintiff to file a motion for preliminary approval of the parties' class action settlement. Dtk. No. 65. In the same Docket Entry, the Court set a status hearing for July 29, 2021. *Id.*

4. On June 14, 2021, Plaintiff's counsel sent Defendants' counsel a proposed settlement agreement, class notice and claim form, and proposed preliminary approval order.

5. On July 9, 2021, Defendants' counsel sent Plaintiff's counsel proposed changes to the settlement agreement.

6. On July 13, 2021, counsel for the parties conferred by phone over Defendants'

changes to the settlement agreement.

7. Unlike many class action settlements under the Biometric Information Privacy Act, Defendants have represented they do not have names and full contact information for all proposed settlement class members. Instead, Defendants have names and email addresses, only, for a portion of the proposed settlement class. In negotiating their settlement, the parties agreed that Plaintiff's counsel would attempt to subpoena contact information for proposed class members from Defendants' customers. This may require Plaintiff sending subpoenas to over 300 recipients. When the parties negotiated the settlement, the parties anticipated that Plaintiff's counsel would complete this subpoena process before filing a motion for preliminary approval so that the parties could fully inform the Court of the effectiveness of the class notice process. But at the status hearing on June 2, 2021, the Court ordered Plaintiff to move for preliminary approval by July 23rd and start the process of issuing subpoenas.

8. Plaintiff's counsel do not yet have the information they need from Defendants to issue subpoenas. Counsel for Defendant 365 Retail Markets provided Plaintiff's counsel with a portion of that information on July 16, 2021. Counsel for Defendant Compass Group expects to provide Plaintiff's counsel with the remainder of that information by July 23, 2021.

9. The parties agreed that they would discuss potential publication notice after completion of the subpoena process. Because of the Court's order regarding filing the preliminary approval motion, the parties need to agree on any potential publication notice before filing for preliminary approval. Plaintiff's counsel need to see all data sufficient for them to issue subpoenas before they can finalize agreement on potential publication notice.

10. As a result, in light of the outstanding subpoena-related information referenced in Paragraph 8, the parties request that the Court extend the preliminary approval filing deadline and reset the related status hearing on preliminary approval.

WHEREFORE, the parties request that the Court extend the deadline for filing for preliminary approval to August 23, 2021 and reset the July 29th status hearing to a date after August 23rd.

Dated: July 21, 2021

/s/ Zachary C. Flowerree
One of Plaintiff's Attorneys

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Respectfully submitted,

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